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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,954	12/17/2001	Theodore Rappaport	02560039AA	2954

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EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,954

Applicant(s)

RAPPAPORT ET AL.

Examiner

ANTHONY J BLACKMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42, 43, 85 and 86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42, 43, 85 and 86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/03.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 4/27/05.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The references cited in the IDS received 6/10/03 pages 1-15 were considered 12/2003. The record shows that pages 1-14 were unsigned and page 15 of 15 was signed. Pages 1-14 are now signed and will be entered into the record.

2. During a telephone interview with Michael WHITHAM, Reg. No. 32,635 on 4/27/05, regarding claims 42 and 85, Mr. Whitham authorized an Examiner's Amendment for the following amendments;

(a) please replace "visualizing" with "measuring" on line 1 of both preambles.
(b) please replace "the group" with "a group" on line 5 of claim 42 and on line 4 of claim 85, because the claims were believed to be in condition for allowance. However, after further consideration and search claims 42-43 and 85-86 are unpatentable over LOVELAND, US Patent No. 6,829,584 in view of MINDRUM et al, US Patent Application No. 2003/0197721. Therefore, because the claims are not in condition for allowance due to the rejection below authorization for the examiner's amendment is moot. Examiner suggests that applicant makes these changes in the response to this office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 42-43 and 85-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over LOVELAND, US Patent No. 6,829,584 in view of MINDRUM et al, US Patent Application Publication, Pub. No. 2003/0197721.

6. As per claim 42, examiner interprets LOVELAND to disclose a method for visualizing a spatially distributed group of (the underlined feature is disclosed as shown in figure 7, element 70-photos tied to model, linked with element 12-graphical data(base), linked with a physical model (2d or 3d), the physical model comprising floor plans, dimensions, etc...) physical objects or networks, comprising the steps of; obtaining an environmental database model of at least one physical environment in which said physical objects or networks may be distributed (*this feature is not considered because the claim language allows for examiner to interpret whether or not the may be distributed, rather than, detailing a conditional situation when or how the networks are distributed. Therefore, the limitation is considered broadly until the claim language becomes more specific*), said environmental database model providing a two

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dimensional or three dimensional representation of said at least one physical environment (see figure 7, column 6, lines 10-30); displaying, on a display, (figure 7, column 6, lines 10-30), and LOVELAND also discloses both a computer means and computer network (column 2, lines 56-62),

however,

even though LOVELAND discloses use of a photograph means inputted through scanning or digital means to be tied to physical model 68 for a user to view when observing the physical model 68 (see column 6, lines 28-30) wherein, "...information about a physical model are collected (column 6, line 14)",

LOVELAND does not expressly teach the following features and limitations

- collecting measurement information and descriptive information for said descriptive information for said distributed group of physical objects or networks by obtaining measurement information selected from the group consisting of measured performance metrics and inputted quality measures, obtaining descriptive information from a predefined set of selections wherein said selections are selected from the group consisting of text strings and icons, and associating and storing said measurement information and said descriptive information electronically with a computer or computer network.

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On the other hand, MINDRUM et al improves upon the broadly defined photo and scanning means of LOVELAND (see column 6, lines 28-30 and figure 7, element 70) and generally, provides better recorded images (the recorded images representing a collection means for measurement and descriptive information) with a detailed photo and scanning means (see section 0043 for collection of measurement information and section 0044 for collection of descriptive information) reads upon the following claimed features and limitations,

collecting measurement information and descriptive information for said descriptive information for said distributed group of (the underlined feature is met by LOVELAND above) physical objects or networks by obtaining measurement information selected from the group

(MINDRUM et al meet the following underlined features) consisting of measured performance metrics and inputted quality measures (section 0043 - see "The controller automatically directs the scanner...to be stored as an image in the data store." Please note the "predetermined image manipulation"),

obtaining descriptive information from a predefined set of selections wherein said selections are selected from the group consisting of text strings and icons (see section 0044, note the "upload saved images" and the "edit all captions" options for text string manipulation, and associating and storing said measurement information and said descriptive information electronically with a computer or computer network (section 0045 discloses an updated thumbnail –resulting from the cited measurement information and descriptive information cited by MINDRUM et al above) and also

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discloses displaying on a display at least one of (the following underlined features are both met by MINDRUM et al) said measurement information (section 0043 – see “predetermined image manipulation”) and said descriptive information (section 0044 – see “upload saved images “ and “edit all captions”) collected in said collecting step together with at least a portion of said environmental database model (the at least portion of the model is obviously disclosed in both of the following cited features (section 0043 – see “predetermined image manipulation”) and said descriptive information (section 0044 – see “upload saved images “ and “edit all captions”).

It would have been obvious to one skilled in the art at the time of the invention to use the image editing functions (cited above – sections 0043-0045) for photo editing and scanning means to produce better recorded images controlled by user means for collecting measurement information and descriptive information as claimed via MINDRUM et al to modify collecting means “...information about a physical model 68 are collected (column 6, line 14)” via the photo means 70 of LOVELAND (shown in figure 7 and column, lines10-30)) because modifying LOVELAND via MINDRUM et al provides better recorded images by controlling by user photo editing means and scanning means, noted above, for collecting measurement information and descriptive information. Therefore, it would have been obvious to modify LOVELAND by MINDRUM et al.

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7. As per claim 43, LOVELAND as modified by MINDRUM et al meet limitations of claim 42, figure 7 of LOVELAND, specifically, the physical model (2d or 3d) discloses the at least following limitations and features; display of floor plan and dimensions of the physical model of LOVELAND, however, does not expressly teach a specific location of the physical database model and display of the physical model. On the other hand, MINDRUM et al disclose the photo editing means that obviously determines specific locations of the representation of the physical database model through manipulation of the predetermined image manipulation means for the photos (for example, image cropping, see section 0043 for collection of measurement information means, specifically, the "predetermined image manipulation" and section 0044 for collection of descriptive information means, specifically, the "upload saved images " and "edit all captions" is representative of the following claim features and limitations), and said step of displaying includes the step of displaying at least one of said measurement information (image manipulation means of section 0043) and said descriptive information at said specific location in said environmental database model section 0044 for collection of descriptive information means, specifically, the "upload saved images " and "edit all captions" is representative of the claim features and limitations). It would have been obvious to one skilled in the art at the time of the invention to use the image editing functions (cited above – sections 0043-0045) for photo editing and scanning means to produce better recorded images controlled by user means for collecting measurement information and descriptive information as claimed via MINDRUM et al to modify collecting means "...information about a physical model

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68 are collected (column 6, line 14)" via the photo means 70 of LOVELAND (shown in figure 7 and column, lines10-30)) because modifying LOVELAND via MINDRUM et al provides better recorded images by controlling by user photo editing means and scanning means, noted above, for collecting measurement information and descriptive information. Therefore, it would have been obvious to modify LOVELAND by MINDRUM et al.

8. As per claim 85, claim 85 is substantially similar to claim 42.

9. As per claim 86, claim 86 is substantially similar to claim 43.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 571-272-7779. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN
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